

Message Text

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INFO OCT-01 ADP-00 /005 R

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DRAFTED BY:EB/ORF/FSE:GMBENNSKY

APPROVED BY:EB/ORF/FSE:GM BENNSKY

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FM SECSTATE WASHDC

TO AMEMBASSY BONN

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FOL TEL SENT ACTION TRIPOLI, INFO LGIERS LONDON, PARIS,
AMMAN, BEIRUT, CAIRO, JIDDA, KUWAITN ROME, THRAN, TEL AVIV,
MANAMA, ATHENS, BRASILIA, RABAT, TUNIS, USUN, MOSCOW, SOFIA,
BUCHAREST, BAGHDAD FROM SECSTATE 08 AUG 73
REPEATED TO YOU

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EO. 11652: N/A

TAGS: PFOR ENRG LY

SUBJECT: BUNKER HUNT EXPROPRIATION

1. FOLLOWING IS EXCERPT FROM TRANSCRIPT OF PRESS BRIEFING
BY DEPT SPOKESMAN AUGUST 8:

Q. CHARLES, WHAT ABOUT THE BUNKER OIL PROPERTIES IN
LIBYA? HAVE WE DECLARED THE SEIZURE BY THE LIBYAN GOVERN-
MENT TO BE INVALID?

A. I WOULD LIKE TO DO PART OF THIS ON THE RECORD AND
PART ON BACKGROUND, JOHN, AND THE REST OF YOU.

I THINK THAT IF YOU EXAMINE THE PRESIDENT'S STATEMENT
WITH RESPECT TO OUR EXPROPRIATION POLICY OF JANUARY 19,
1972 --

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Q. WHAT WAS THE OCCASION, CHARLES?

A. JANUARY 19?

Q. YES.

A. THAT WAS THE ISSUANCE OF A GENERAL STATEMENT BY THE PRESIDENT WITH RESPECT TO OUR POLICY IN MATTERS OF EXPROPRIATION BY FOREIGN GOVERNMENTS. THERE WAS NO INSTANT OCCASION, AS I RECALL IT. AND IF YOU LOOK AT WHAT JOHN SAID IN THIS ROOM ON JUNE 12, YOU WILL FIND THAT BOTH THE PRESIDENT'S STATEMENT AND JOHN'S REITERATION OF IT ON THE 12TH REFERRED TO THE ELEMENTS WHICH WE THOUGH WERE INVOLVED IN MATTERS OF EXPROPRIATION, AND SPECIFICALLY IT WAS SAID IN THOSE TWO DOCUMENTS THAT THE UNITED STATES HAS A RIGHT TO EXPECT THAT ANY TAKING OF AMERICAN PRIVATE PROPERTY WILL BE NON-DISCRIMINATORY, THAT IT WILL BE FOR A PUBLIC PURPOSE, AND THAT ITS CITIZENS WILL RECEIVE PROMPT, ADEQUATE AND EFFECTIVE COMPENSATION FROM THE EXPROPRIATING COUNTRY. YOU CAN GO BACK AND LOOK THOSE WORDS UP.

NOW, AT THAT POINT I WOULD LIKE TO BEG YOUR INDULGENCE AND GO ON BACKGROUND, FOR REASONS WHICH I WILL EXPLAIN. THERE ARE A NUMBER OF INTERESTS INVOLVED HERE. YOURS, OBVIOUSLY. AND THERE I WOULD SIMPLY NOTE THAT OUR POLICY IS A MATTER OF PUBLIC RECORD. THERE ARE ALSO THE OIL COMPANY INTERESTS IN PLAY. AND THERE IS OUR INTEREST IN DOING WHAT WE CAN TO BRING ABOUT A SITUATION AS FAVORABLE TO AMERICAN INTERESTS AS WE CAN.

FOR THOSE REASON, AND SINCE THOSE IN PART INVOLVE OUR CONTINUING RELATIONSHIPS WITH THE LIBYAN GOVERNMENT, I THINK IT BEST IF TODAY I TAKE THE REST OF THIS ON BACKGROUND.

SO WHAT I WAS SAYING, JOHN, IN EFFECT WAS THAT THERE HAS BEEN NO SHIFT IN AMERICAN POLICY.

AS YOU WILL RECALL, PRESIDENT QADHAFI DECLARED THE SEIZURE OF THE BUNKER HUNT INTERESTS IN LIBYA ON JUNE 11, LIMITED OFFICIAL USE

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IN THE COURSE OF A LONG SPEECH IN WHICH HE SAID THAT THE NATIONALIZATION OF THE COMPANY WAS NECESSARY BECAUSE THE UNITED STATES NEEDED TO BE GIVEN WHAT HE CALLED "A HARD SLAP ON ITS COOL, ARROGANT FACT."

NOW, IF IT IS RECOGNIZED UNDER INTERNATIONAL LAW, AS INDEED IT IS RECOGNIZED, THAT EXPROPRIATION MUST BE FOR PUBLIC PURPOSES, THEN THE UNITED STATES GOVERNMENT DOES

NOT RECOGNIZE THIS EXPLANATION FOR THE EXPROPRIATIONS AS A VALID PUBLIC PURPOSE.

JOHN DEFERRED SPECIFIC COMMENT ON JUNE 11 ON MR. QADHAFI'S SPEECH. BUT AFTER SOME FURTHER STUDY OF THE LIBYAN DECREE AND COLONEL QADHAFI'S REMARKS, IT BECAME CLEAR TO US THAT THE STATED PURPOSES OF THE LIBYAN GOVERNMENT WERE NOT CONSISTENT WITH THE CONCEPT OF PUBLIC PURPOSES, AND WE SO INFORMED THEM IN A NOTE DELIVERED ON JULY 8.

NOW, WE HAVE COMMUNICATED OUR POSITION, BOTH WITH RESPECT TO THE PRINCIPLE OF LAW INVOLVED AND WITH RESPECT TO WHAT WE CONSIDER THE OVERRIDING DESIRABILITY THAT OTHER COMPANIES AND GOVERNMENTS NOT INTERVENE IN THIS SITUATION, HAVING THE PRINCIPLE IN MIND, BY, FOR EXAMPLE, MAKING PURCHASES OF WHAT YOU MIGHT CALL "HOT OIL."

I WOULD PREFER NOT TO GET INTO A DESCRIPTION OF THOSE GOVERNMENTS WITH WHOM WE HAVE BEEN IN TOUCH, BUT WE HAVE BEEN.

Q. CHARLES, IN A REPORT PUBLISHED TODAY ON THIS SUBJECT, THERE ARE QUOTES FROM A U.S. DIPLOMATIC NOTE TO THE LIBYANS, AND ARE THOSE QUOTES CORRECT?

A. I AM GOING TO BE A LITTLE RESERVED ON THAT, NICK, AND SAY THAT--ALL OF THIS ON BACKGROUND STILL--THAT ON AUGUST 3 THE DEPARTMENT SENT A LETTER TO A REPRESENTATIVE OF NELSON BUNKER HUNT COMPANY WHICH NOTED SEVERAL THINGS. ONE WAS THE COMPANY'S INTEREST IN A STATEMENT OF OUR POSITION. THE SECOND WAS AN UNDERTAKING TO PROVIDE THE COMPANY WITH AN AUTHENTICATED COPY OF THE NOTE IN ENGLISH AND ARABIC. AND PENDING THAT, THE NOTE ENCLOSED THE SUB-LIMITED OFFICIAL USE

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STANCE--THE LETTER ENCLOSED THE SUBSTANCE OF THE NOTE BUT NOT THE TEXT, AS I UNDERSTAND IT. THE LETTER ALSO INDICATED THAT WE WERE PREPARED TO MAKE APPROPRIATE REPRESENTATIONS IN BEHALF OF THE COMPANY'S INTERESTS. BUT I THINK FOR QUOTES FROM THE LETTER, YOU HAD BEST HAVE REFERENCE TO THE COMPANY, SINCE THEY HAVE SOME INTERESTS IN THIS MATTER AND THEY PRESUMABLY NEED TO MAKE A JUDGMENT WHETHER THEY WISH TO MAKE THE TEXT PUBLICLY AVAILABLE ON A WIDE-SPREAD BASIS.

2. FOLLOWING ABOVE Q AND A, THERE WAS LONG DISCUSSION OF LEGAL PRECEDENTS AND DEFINITIONS OF TERMS "PUBLIC PURPOSE," "NON-DISCRIMINATORY" AND "HOT OIL." PRESS SPOKESMAN REPEATED POINT THAT USG CONSIDERED LARG ACTION HAD BEEN TAKEN AS "POLITICAL REPRISAL" AND WAS THEREFORE

IN VIOLATION OF INTERNATIONAL LAW. IN ANSWER TO QUESTION
WHETHER USG SENT NOTE TO LARG ON JULY 8 AS RESULT PRESSURE
FROM OIL COMPANY, SPOKESMAN SAID "THE DECISION IN THE
MATTER WAS TAKEN BY THE UNITED STATES GOVERNMENT BASED ON
ITS JUDGMENT OF AMERICAN INTERESTS IN THE BROADEST SENSE
AND ITS OBLIGATION TO PROTECT AMERICAN INTERESTS, NOT ONLY
IN THE INSTANT CASE, BUT CONCEIVABLY IN A MUCH BROADER
FRAMEWORK AS WELL." ROGERS

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PFOR ENRG LY
Control Number: n/a
Copy: SINGLE
Draft Date: 13 AUG 1973
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: garlanwa
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1973STATE156929
Document Source: CORE
Document Unique ID: 00
Drafter: EB/ORF/FSE:GMBENNSKY
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: SECSTATE WASHDC
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1973/newtext/t19730840/aaaabdds.tel
Line Count: 177
Locator: TEXT ON-LINE
Office: ORIGIN EB
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: garlanwa
Review Comment: n/a
Review Content Flags:
Review Date: 22 AUG 2001
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22-Aug-2001 by martinml>; APPROVED <12-Sep-2001 by garlanwa>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BUNKER HUNT EXPROPRIATION
TAGS: n/a
To: BONN
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005